

REMARKS:

I. Introduction

In the Office Action mailed on October 20, 2005, the Examiner rejected claims 1, 2, 4, 5, and 7 to 25. The present amendment cancels claims 13 to 21, and 23 to 25, amends no claims, and adds new claim 26. Accordingly, claims 1, 2, 4, 5, 7 to 12, 22, and 26 are now pending in this application.

II. Final Rejection

The Examiner made the Office Action final even though it is a first office action after the filing of a request for continued examination and the submission under 37 CFR 1.114. The Examiner states that all claims "could have been finally rejected on the grounds and art of record in the next office action if they had been entered in the application prior to entry under 37 CFR 1.114." However, the sole rejection in this final action is based on newly cited art (Keehn). Keehn was not previously of record and therefore the claims could not have been finally rejected on the grounds and art of record prior to entry under 37 CFR 1.114. Therefore, the finality of the Office Action is premature. Reconsideration and withdrawal of the finality of the rejection is requested.

III. Claim Rejections Based on 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 2, 4, 5, and 7 to 25 under 35. U.S.C. § 103(a) as unpatentable over Keehn (US 2,398,532) in view of Chaban (5,738,475).

The rivet 1 disclosed by Keehn has a different structure than the fastener of the present invention and as a result does not solve the problem which is solved by the fastener according to the present invention. The rivet 1 of Keehn is a blind rivet having has an annular lip or flange 5 engaging the exterior surface of a first plate P and shell or body 4 extending through a first

aperture the first plate P and a second aperture in a second plate P. The rivet 1 has a bore receiving a plunger 8 so that the free end of the shell 4 can be plastically deformed into a head 6 having a flange 9 engaging the external surface of the second plate P. The bore has an interior taper so that when the plunger 8 is driven into the bore, the shell 4 is expanded to establish a tight wedging fit between the shell 4 and the plates P as well as between the plunger 8 and the shell 4. The plunger 8 is of the same length as the bore and serves to reinforce the shell 4. The outer end of the plunger is flush with the flange 5 when driven in place and cannot be pried loose. The bore is thus not hollow, it is filled with the plunger 8. The rivet 1 disclosed by Keehn may be effective at eliminating "sloppiness" or free play, but forms a rigid connection between the rivet 1 and the plates P. Because the components are "wedged" together, the plates are not free to rotate relative to one another. This rivet 1 was designed to prevent such relative movement. Note that the rivet 1 is of the type used in airplane construction for securing wing plates and in other places where it is impossible or at least very difficult to have access to the inner end of the rivet. See column 1, lines 21 to 25.

In contrast, the fastener of the present invention provides a solution to the problem by providing a rivet having hollow bore and a lip plastically deformed so that the body portion of the fastener is outwardly expanded by plastic deformation into contact with both of the links within both of the apertures to eliminate any "sloppiness" or free play without preventing the relative rotation between the links. It was the inventive insight of the present invention to discover this low cost solution to the problem of lateral free play.

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitation "whereby the fastener secures the first and second links to allow relative rotational movement between the first and second links while preventing relative linear motion

therebetween in all directions perpendicular to a direction the fastener is extending through the first and second links” and “wherein said body portion has a hollow central bore extending from the lip portion toward the head portion.” No prior art of record reasonably discloses or suggests the present invention as defined by claim 1. As discussed above, the rivet of Keehn wedges the members together and has a bore filled by a plunger. It is noted that dependent claim 22 specifically claims that the lip portion is plastically deformed as opposed to the rivet of Keehn where the head is plastically deformed. It is also noted that dependent claim 26 specifically claims that the present fastener centrally bulges to eliminate “sloppiness” as opposed to the rivet of Keehn which is tapered to form a rigid wedge fit. Reconsideration and withdrawal of the rejection is requested.

IV. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the Examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,



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January 20, 2006